

REMARKS

Revocation of Power of Attorney and Appointment of New Attorney

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming BRUCE H. TROXELL as attorney of record in this patent application. Also included herein is a CHANGE OF ADDRESS notification. It is requested that all further correspondence regarding this matter be forwarded to TROXELL LAW OFFICE, PLLC at the address listed on the enclosed form.

Claim Rejections

Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon (U.S. Patent 7,065,417) in view of Hirota (U.S. Patent Application Publication 2003/0221103) and in further view of Thielen (U.S. Patent Application Publication 2004/0117442).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has canceled claim 1 and rewritten the claim as new claim 8 to overcome the Examiner's objections theretof and rejections thereto. Applicant has also amended claims 2-7 of this application to remove the term "can" and claim 6 has been further amended to remove FM signals as a choice of wireless transmission. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claim is directed toward: a multipurpose media player memory card reader comprising: an upper cover; a lower cover; and a circuit board including a card reader port, a control circuit, a card reader circuit, a multimedia player circuit, a battery, memory, memory card slots, a socket, a wireless transmitter circuit, a transmitter, an electric power socket, and an outlet, wherein the circuit board is configured so that when a memory card is inserted into a memory card slot, the card circuit reads data within the memory card or the control circuit reads data stored within memory, the control circuit differentiates whether or not the data is multimedia data, and the multimedia data is transmitted to the multimedia player circuit, and the multimedia data is converted to sound signals and output through the outlet, wherein the wireless transmitter circuit and the transmitter are configured to transmit multimedia data as wireless signals to multimedia equipment of a vehicle, wherein the battery provides electric power required when the control circuit and the multimedia player circuit are in operation and the card reader port connected to a compute port enables recharging of the battery, wherein the card reader is adapted to reciprocally connect to the computer port through a connector port of the card reader so that data is saved within the memory card and the memory through the card reader.

Other embodiments of the present invention include: the above multipurpose media player memory card reader, wherein the wireless transmitter circuit and wireless signals of the transmitter are further configured to comply with AM (Amplitude Modulation) signals, Bluetooth signals, or IEEE 802, 11A, B (Institute of Electrical and Electronic Engineers 802, 11A, B).

Moon et al. teach a MPEG portable sound reproducing system, as shown in Fig. 2. On p. 5 of the outstanding Office Action, the Examiner has admitted that Moon discloses that the control and the media decoding is performed by the CPU, while Applicant employs two distinct modules. However, the Examiner argues that to do so would be obvious and produce no new or unexpected results. In response, Applicant submits that employing two discrete modules offers greater reliability and allows cheaper, less powerful processing chips to be used. Furthermore, it is possible to upgrade the decoding chip alone when a new audio format is inevitably introduced without necessitating replacing the entire CPU.

In view of the above showing of new or unexpected results, Applicant respectfully requests withdrawal of the obviousness rejection.

On p. 5 of the outstanding Office Action, the Examiner has not cited a reference teaching wireless transmission (with the exception of the FM transmission of Thielen, which is no longer recited), but has instead argued that wireless transmitters are well known. Applicant respectfully traverses the Examiner's statement in Official Notice. It is always incumbent upon the Examiner to find a reference to support a rejection. According to "Formulating and Communicating Rejections Under 35 U.S.C. for Application," the Examiner has to factually support any prima facie case of obviousness. If the Examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of non-obviousness. The example provided of the vague wireless disclosure of Shanahan does not supply this deficiency, nor does it teach any applicability to Moon et al. Furthermore, none of the cited references teach or suggest: wherein the wireless transmitter circuit and wireless signals of the transmitter are further configured to comply with AM (Amplitude Modulation) signals, Bluetooth signals, or IEEE 802, 11A, B (Institute of Electrical and Electronic Engineers 802, 11A, B), as recited in claim 6.

Hirota et al. is cited as teaching a flash memory card reader and card for music playback, while Thielen is cited as teaching the FM transmission of music in a vehicle via an adapter. Applicant does not acquiesce to these characterizations and notes that, in any event, the references fail to provide the above-noted deficiencies of the remaining references.

It follows that even if the teachings of Moon et al., Hirota et al, and Thielen were combined, as suggested by the Examiner, the resultant combination does not teach or suggest: a multipurpose media player memory card reader comprising: an upper cover; a lower cover; and a circuit board including a card reader port, a control circuit, a card reader circuit, a multimedia player circuit, a battery, memory, memory card slots, a socket, a wireless transmitter circuit, a transmitter, an electric power socket, and an outlet, wherein the circuit board is configured so that when a memory card is inserted into a memory card slot, the card circuit reads data within the memory card or the control circuit reads data stored within memory, the control

circuit differentiates whether or not the data is multimedia data, and the multimedia data is transmitted to the multimedia player circuit, and the multimedia data is converted to sound signals and output through the outlet, wherein the wireless transmitter circuit and the transmitter are configured to transmit multimedia data as wireless signals to multimedia equipment of a vehicle, wherein the battery provides electric power required when the control circuit and the multimedia player circuit are in operation and the card reader port connected to a compute port enables recharging of the battery, wherein the card reader is adapted to reciprocally connect to the computer port through a connector port of the card reader so that data is saved within the memory card and the memory through the card reader.

Nor does the combination teach or suggest: the above multipurpose media player memory card reader, wherein the wireless transmitter circuit and wireless signals of the transmitter are further configured to comply with AM (Amplitude Modulation) signals, Bluetooth signals, or IEEE 802, 11A, B (Institute of Electrical and Electronic Engineers 802, 11A, B).

In considering the above, the Examiner is respectfully reminded that, it is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious. Instead, the Supreme Court, in *KSR International Co. v. Teleflex*, 550 U.S. at ___, 82 USPQ2d at 1396, stated that:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning

with some rational underpinning to support the legal conclusion of obviousness").

Appellant submits that the above-presented arguments clearly indicate that the Examiner has failed to provide an "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" for combining selected elements of Moon et al. with selected elements of Hirota et al, and/or Thielen. *KSR* at 1396 (citing *In re Kahn* at 988). Clearly, such a combination is not an acceptable combination under 35 U.S.C. §103. The rejections of Appellant's claims as being rendered by the aforementioned combinations of references under 35 U.S.C. §103 are respectfully traversed.


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



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